

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

FRANCISCO VENACIO RIVERA,

Petitioner,

v.

ROSEMARY NDOH,

Respondent.

Case No. 1:20-cv-01671-HBK

ORDER TRANSFERRING CASE TO THE
UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF
CALIFORNIA

(Doc. Nos. 1, 12)

Petitioner Francisco Venacio Rivera, represented by counsel, is proceeding on his petition for writ of habeas corpus filed under 28 U.S.C. § 2254. (Doc. Nos. 1, 12). Petitioner, who is incarcerated in Kings County, which is within the jurisdiction and venue of the Fresno Division of this court, challenges his August 28, 2017 sentence and conviction entered by the Superior Court of San Diego, which is located within the jurisdiction and venue of the San Diego Division of the United States District Court for the Southern District of California.

Under 28 U.S.C. § 2241(d), because Petitioner is in custody under a state court judgment and sentence, jurisdiction is proper in the judicial district where the petitioner was convicted or where petitioner is incarcerated. Therefore, both the Southern District of California and the Eastern

1 District of California have concurrent jurisdiction. *See* 28 U.S.C. § 2241(d); *Rumsfeld v. Padilla*,
2 542 U.S. 426, 428 (2004). It is the policy of this court that a petition should be heard in the District
3 Court where the petitioner was convicted. Local Rule 191(f). Consequently, the court will transfer
4 this matter to the Southern District of California. 28 U.S.C. §§ 1404(a), 2241(d); Local Rule
5 191(f).
6

7 **Accordingly:**

- 8 1. This action is transferred to the United States District Court for the Southern District of
9 California, San Diego Division; and
10 2. All future filings shall reference the new case number assigned and shall be filed at:
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12 United States District Court
13 Southern District of California
14 San Diego Division
15 333 West Broadway
16 San Diego, CA 92101

17 IT IS SO ORDERED.
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19 Dated: December 14, 2020

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21 HELENA M. BARCH-KUCHTA
22 UNITED STATES MAGISTRATE JUDGE
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